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10/761,013

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William J. Vroon

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EXAMINER

GROSSO, HARRY A

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* WILLIAM J. VROON

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Appeal 2008-3618  
Application 10/761,013  
Technology Center 3700

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Decided: March 9, 2009

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Before TONI R. SCHEINER, DONALD E. ADAMS, and  
JEFFREY N. FREDMAN, *Administrative Patent Judges*.

SCHEINER, *Administrative Patent Judge*.

ERRATUM

On November 25, 2008, the Board of Patent Appeals and Interferences (hereinafter "Board") mailed a Decision on Appeal wherein on page 20 of the Decision, under the heading "SUMMARY," the Board affirmed the rejection of claims 1, 3, 4, 9, 10, 12, 15, 16, 17, 24, 25, 27, 45-49, 51-53, 55-58 and 60-62 under 35 U.S.C. § 103(a) as being unpatentable over Slager; Francis, Jr.; Silberman, and Anderson with respect to claims 1, 3, 4, 9, 10, 12, 15, 46-49, 51-53, 55 and 62; but reversed the rejection with

respect to claims 16, 17, 24, 25, 27, 45, 51-58, 60 and 61, inadvertently indicating the rejection of claims 51-53 and 55 as both affirmed and reversed. However, a review of the supporting opinion, particularly pages 15 and 16, reveals that Appellant's arguments were persuasive with respect to independent claim 51 (and its dependent claims 52, 53, and 55), and the Board's intention was to reverse the rejection with respect to claims 51-53 and 55.

In addition, a review of the supporting opinion reveals that claim 62 depends from claim 61, and therefore includes a limitation determined to have been nonobvious over the prior art. Finally, claim 54, which was rejected on a different ground, and not separately argued, depends from claim 51, and, therefore, also includes a limitation determined to be non-obvious over the cited prior art.

Therefore, this Erratum serves as notification to Appellant that the SUMMARY on page 20 of the Decision on Appeal is hereby modified to read as follows:

1. The rejection of claims 1, 3, 4, 9, 10, 12, 15, 16, 17, 24, 25, 27, 45-49, 51-53, 55-58, and 60-62 under 35 U.S.C. § 103(a) as unpatentable over Slager, Francis, Jr., Silberman, and Anderson is AFFIRMED with respect to claims 1, 3, 4, 9, 10, 12, 15, and 46-49, but REVERSED with respect to claims 16, 17, 24, 25, 27, 45, 51-53, 55-58, and 60-62.
2. The rejection of claim 2 under 35 U.S.C. § 103(a) as unpatentable over Slager, Francis Jr., Silberman, Anderson, and Budowski is REVERSED.

3. The rejection of claims 6, 19, 50, 54, and 59 under 35 U.S.C. § 103(a) as unpatentable over Slager, Francis Jr., Silberman, Anderson, and Bazany is AFFIRMED with respect to claims 6 and 50, but REVERSED with respect to claims 19, 54, and 59.
4. The rejection of claims 36 and 37 under 35 U.S.C. § 103(a) as unpatentable over Slager and Francis, Jr. is AFFIRMED.

#### TIME PERIOD FOR RESPONSE

The original time period for response is being reset as of the mailing of this Erratum.

CLJ

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